

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
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California Department of Justice
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San Diego, California 92101
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San Diego, California 92186-5266
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Facsimile: (619) 645-2061
8 *Attorneys for Complainant*

10 **BEFORE THE**
OFFICE OF ADMINISTRATIVE HEARINGS
11 **STATE OF CALIFORNIA**

13 **REJI VARGHESE,**
Deputy Director,
14 Medical Board of California,
Department of Consumer Affairs,
15 State of California,

Petitioner,

16 v.

17 **JAMILA DANISHWAR, M.D.**
14657 Whispering Ridge Road
18 San Diego, California 92131

19 Physician's and Surgeon's Certificate No.
A 102800,

20 Respondent.

Case No. 800-2019-057078

STIPULATION OF THE PARTIES RE
INTERIM ORDER OF SUSPENSION
AND ORDER

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Reji Varghese (Petitioner) is the Deputy Director of the Medical Board of California
27 (Board) and is represented in the above-entitled matter by Rob Bonta, Attorney General of the
28 State of California, and by Joseph F. McKenna III, Deputy Attorney General.

2. Respondent Jamila Danishwar, M.D. (Respondent) is represented in this proceeding by attorney Nicole T. Irmer, Esq., whose address is: 2550 Fifth Avenue, Suite 1060, San Diego, California, 92103.

JURISDICTION

3. On or about February 22, 2008, the Board issued Physician's and Surgeon's Certificate No. A 102800 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the conduct alleged herein, and will expire on August 31, 2023, unless renewed.

4. Pursuant to the provisions of California Government Code section 11529, an administrative law judge of the Medical Quality Hearing Panel established pursuant to section 11371 may issue an interim order suspending a license, or imposing drug testing, continuing education, supervision of procedures, or other license restrictions. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act or the appropriate practice act governing each allied health profession, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare. Interim orders may also be issued without notice if it appears from the facts shown by affidavit that serious injury would result to the public before the matter can be heard on notice.

FACTUAL BASIS FOR INTERIM ORDER OF SUSPENSION

5. On or about July 18, 2022, the San Diego County District Attorney's Office filed a felony complaint in the Superior Court of California, County of San Diego, in the case entitled *The People of the State of California v. Jamila Danishwar*, Case No. CD295421, charging Respondent with violations of section 23153, subdivisions (a), (b), and (g), and section 20001, subdivision (a), of the California Vehicle Code. A true and correct copy of the felony complaint is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein. Respondent was arraigned and has entered a not guilty plea in the felony case.

1 6. On or about August 5, 2019, the San Diego City Attorney's Office filed a
2 misdemeanor complaint in the Superior Court of California, County of San Diego, in the case
3 entitled *The People of the State of California v. Jamila Danishwar*, Case No. M260997, charging
4 Respondent with multiple violations including section 23152, subdivisions (a) and (b), of the
5 California Vehicle Code. A true and correct copy of the misdemeanor complaint is attached
6 hereto as Exhibit B and incorporated by reference as if fully set forth herein. Respondent was
7 arraigned and has entered a not guilty plea in the misdemeanor case.

8 7. As a result of the violations alleging Respondent's criminal conduct as described in
9 paragraphs 5 and 6, above, and deemed true only for purposes of this stipulated interim order of
10 suspension, Respondent agrees that Petitioner could establish a *prima facie* showing that
11 Respondent has committed a violation or violations of a provision or provisions of the Medical
12 Practice Act, that she is presently unable to practice medicine safely due to the alleged conduct as
13 described herein, and that permitting her to continue to practice medicine would endanger the
14 public health, safety, and welfare.

15 8. The waiver made by Respondent as to the alleged conduct as described in paragraphs
16 5 and 6, above, is solely for the purpose of this stipulated interim order of suspension only, and
17 shall not be used in any other proceeding before the Medical Board of California; or in the
18 pending criminal cases filed against her in Case No. CD295421 and Case No. M260997; or in any
19 other criminal, civil, and/or administrative proceeding.

20 **TERMS AND CONDITIONS OF INTERIM ORDER OF SUSPENSION**

21 9. Respondent stipulates and agrees to the issuance of an interim order of suspension
22 under Government Code section 11529 immediately suspending her Physician's and Surgeon's
23 Certificate No. A 102800, and prohibiting her from practicing medicine in the State of California
24 pending further order from the Office of Administrative Hearings.

25 10. In exchange for Respondent's waiver as to the alleged conduct as described in
26 paragraphs 5 and 6, above, Petitioner agrees to file this stipulation, in lieu of filing a petition for
27 interim order of suspension and supporting affidavits, with the Office of Administrative Hearings
28 in San Diego, California.

11. Based on the foregoing stipulations, the parties hereby stipulate that an interim order should be issued forthwith by the Office of Administrative Hearings immediately suspending Respondent's Physician's and Surgeon's Certificate No. A 102800; and immediately prohibiting her from practicing medicine in the State of California pending further order from the Office of Administrative Hearings.

12. Any motion to vacate the interim order issued in this case shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an *ex parte* basis and any motion to vacate the interim order of suspension issued in this case shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than 30 business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

WAIVERS

13. Respondent is fully aware of all of her rights under section 11529, subdivision (b), of the Government Code, to a noticed hearing on the issue of whether an interim order should be issued in the above-entitled matter, and all other rights accorded her under section 11529, subdivision (d), of the Government Code, at which she is entitled, at a minimum, to all the following rights:

- (a) To be represented by counsel;
- (b) To have a record made of the proceedings, copies of which may be obtained by the Respondent upon payment of any reasonable charges associated with the record;
- (c) To present written evidence in the form of relevant declarations, affidavits, and documents. The discretion of the administrative law judge to permit testimony at the hearing conducted pursuant to this section shall be identical to the discretion of a superior court judge to permit testimony at a hearing conducted pursuant to Section 527 of the Code of Civil Procedure; and
- (d) To present oral argument.

14. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in paragraph 13, above.

15. Respondent is fully aware of all of her rights under section 11529, subdivisions (f) and (g), of the Government Code, which state as follows:

“(f) In all cases in which an interim order is issued, and an accusation or petition to revoke probation is not filed and served pursuant to Sections 11503 and 11505 within 30 days of the date on which the parties to the hearing on the interim order have submitted the matter, the order shall be dissolved.

Upon service of the accusation or petition to revoke probation the licensee shall have, in addition to the rights granted by this section, all of the rights and privileges available as specified in this chapter. If the licensee requests a hearing on the accusation, the board shall provide the licensee with a hearing within 30 days of the request, unless the licensee stipulates to a later hearing, and a decision within 15 days of the date the decision is received from the administrative law judge, or the board shall nullify the interim order previously issued, unless good cause can be shown by the Division of Medical Quality for a delay.

“(g) If an interim order is issued, a written decision shall be prepared within 15 days of the hearing, by the administrative law judge, including findings of fact and a conclusion articulating the connection between the evidence produced at the hearing and the decision reached.”

16. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in paragraph 15, above.

ADDITIONAL PROVISIONS

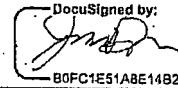
17. The parties hereby stipulate that all proceedings in the above-entitled interim order of suspension matter shall be conducted at the Office of Administrative Hearings located in San Diego, California.

18. The parties further stipulate that copies of this "Stipulation of the Parties Re Interim Order of Suspension and Order," including copies of signatures appearing thereon, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as originals.

ACCEPTANCE

I have carefully read the above "Stipulation of the Parties Re Interim Order of Suspension and Order," and have fully discussed it with my attorney, Nicole T. Irmer, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this stipulation voluntarily, knowingly, and intelligently, and agree to be bound by the terms and conditions of the interim order of suspension and order.

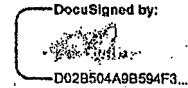
DATED: 01/19/2023

DocuSigned by:

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JAMILA DANISHWAR, M.D.
Respondent

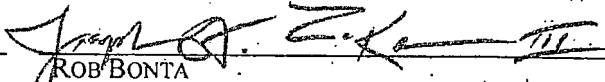
I have read and fully discussed with Respondent Jamila Danishwar, M.D., the terms and conditions and other matters contained in the above "Stipulation of the Parties Re Interim Order of Suspension and Order." I approve its form and content.

DATED: 01/19/2023

DocuSigned by:

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NICOLE T. IRMER, ESQ.
Attorney for Respondent

DATED: 1-23-2023

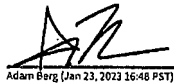

 ROB BONTA
 Attorney General of California
 ALEXANDRA M. ALVAREZ
 Supervising Deputy Attorney General
 JOSEPH F. MCKENNA III
 Deputy Attorney General
Attorneys for Petitioner

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INTERIM ORDER OF SUSPENSION

Based on the foregoing stipulations and agreements, an Interim Order of Suspension is hereby issued immediately suspending Physician's and Surgeon's Certificate No. A 102800 heretofore issued by the Medical Board of California to Respondent Jamila Danishwar, M.D., and, accordingly, Respondent is hereby immediately prohibited from practicing medicine in the State of California pending further order from the Office of Administrative Hearings. Any motion to vacate this Interim Order of Suspension shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an *ex parte* basis and any motion to vacate this Interim Order of Suspension shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than 30 business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

IT IS SO ORDERED this 23 day of January, 2023.



Adam Berg (Jan 23, 2023 16:46 PST)

ADMINISTRATIVE LAW JUDGE

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION

FILED
Clerk of the Superior Court

JUL 18 2022

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

JAMILA DANISHWAR,
dob 08/08/78, Booking No. 22718781A;

Defendant

CT No. CD295421

DA No. AEY655

By: D. Specina, Deputy

COMPLAINT-FELONY

INFORMATION

Date: _____

PC296 DNA TEST STATUS SUMMARY

Defendant

DNA Testing Requirements

DANISHWAR, JAMILA

DNA sample has been previously provided

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	VC23153(a) DANISHWAR, JAMILA	Felony	16-2-3	VC23578	Check Code
2	VC23153(b) DANISHWAR, JAMILA	Felony	16-2-3	VC23578	Check Code
3	VC23153(g) DANISHWAR, JAMILA	Felony	16-2-3	VC23578	Check Code
4	VC20001(a) DANISHWAR, JAMILA	Felony	16-2-3		

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - DRIVING UNDER THE INFLUENCE OF ALCOHOL CAUSING INJURY

On or about May 6, 2022, JAMILA DANISHWAR did unlawfully while under the influence of an alcoholic beverage, drive a vehicle, and in so driving concurrently neglected any duty imposed by law, which caused bodily injury to another, in violation of VEHICLE CODE SECTION 23153(a).

And it is further alleged that in the commission of the above offense the defendant had a blood alcohol concentration of 0.15 percent or more, by weight, within the meaning of VEHICLE CODE SECTION 23578.

COUNT 2 - DRIVING WITH A MEASURABLE BLOOD ALCOHOL CAUSING INJURY

On or about May 6, 2022, JAMILA DANISHWAR did unlawfully, while having 0.08 percent and more, by weight, of alcohol in his/her blood drive a vehicle, and in so driving concurrently neglected any duty imposed by law, which caused bodily injury to another, in violation of VEHICLE CODE SECTION 23153(b).

And it is further alleged that in the commission of the above offense the defendant had a blood alcohol concentration of 0.15 percent or more, by weight, within the meaning of VEHICLE CODE SECTION 23578.

COUNT 3 - DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS CAUSING INJURY

On or about May 6, 2022, JAMILA DANISHWAR did unlawfully, while under the influence of an alcoholic beverage and a drug and under their combined influence, drive a vehicle and in so driving concurrently neglected any duty imposed by law, which caused bodily injury to another, in violation of VEHICLE CODE SECTION 23153(g).

And it is further alleged that in the commission of the above offense the defendant had a blood alcohol concentration of 0.15 percent or more, by weight, within the meaning of VEHICLE CODE SECTION 23578.

COUNT 4 - HIT AND RUN WITH INJURY

On or about May 6, 2022, JAMILA DANISHWAR, having driven a vehicle involved in an accident resulting in injury to another, did unlawfully fail to immediately stop the vehicle at the scene of the accident, give his name, address, registration number of the vehicle, and name of the owner, to exhibit his driver's license upon request, and to render reasonable assistance to any person injured in the accident upon apparent necessity and request, in violation of VEHICLE CODE SECTION 20001(a).

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

NOTICE: Any defendant named on this complaint who is on Mandatory Supervision in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's Mandatory Supervision pursuant to Penal Code Sections 1170(h)(5)(B) and 1203.2, on any and all such grants, utilizing the same evidence, at the preliminary hearing. Defense to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD295421, CONSISTS OF 4 COUNTS.

Executed at City of San Diego, County of San Diego, State of California, on July 18, 2022.


COMPLAINANT

INFORMATION

SUMMER STEPHAN
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney

The foregoing instrument consisting of 3
page(s) is a full, true, and correct copy of the
original on file in this office.
MICHAEL RODDY
Clerk of Superior Court of the State of California in
and for the County of San Diego
Date 8-8-2022
By pa mnc

EXHIBIT B

(
(
OFFICE OF THE CITY ATTORNEY
COUNTY OF SAN DIEGO
MARA W. ELLIOTT, City Attorney
1200 Third Ave., Suite 700, San Diego, CA 92101

COPY

August 5, 2019

JAMILA DANISHWAR
14657 WHISPERING RIDGE RD
SAN DIEGO, CA 92131

Re: People v. JAMILA DANISHWAR
M260997

Dear Jamila Danishwar:

A Complaint has been issued by this office and filed in the San Diego Superior Court, Central Division charging you with violation(s) of:

CHARGE	ISSUE TYPE	CHARGE TITLE
VC23152(a)	Misdemeanor	DRIVING UNDER INFLUENCE OF ALCOHOL
VC23152(b)	Misdemeanor	DRIVING WHILE HAVING A MEASURABLE BLOOD ALCOHOL
VC31	Misdemeanor	FALSE INFORMATION TO A POLICE OFFICER
VC23225(a)(1)	Infraction	OPEN ALCOHOL CONTAINER IN A VEHICLE

A date for your arraignment has been set for August 27, 2019 at 8:00 am in the San Diego Superior Court, Central Division, Central Courthouse. Report to the Misd Business Office, Room 250, 1100 Union Street, San Diego, California. It will be necessary for you to submit to the booking process at that time unless it has already been accomplished.

Failure to make this appearance may result in the issuance of a warrant for your arrest.

Sincerely,


Deputy City Attorney

CC: San Diego Superior Court, Central Division, Central Courthouse, State of California

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA, v. JAMILA DANISHWAR, <i>dob 08/08/78, Booking No. 19733971A;</i>	Plaintiff, Defendant
--	---

CT No. M260997
DUI Short Set

COPY

COMPLAINT-MISDEMEANOR

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
DANISHWAR, JAMILA	Manual review of DNA status is required

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	VC23152(a) DANISHWAR, JAMILA	Misdemeanor	96 Hrs-6 Mos		
2	VC23152(b) DANISHWAR, JAMILA	Misdemeanor	96 Hrs-6 Mos		
3	VC31 DANISHWAR, JAMILA	Misdemeanor	6 Mos\Fine		
4	VC23225(a)(1) DANISHWAR, JAMILA	Infraction	Fine		

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - DRIVING UNDER INFLUENCE OF ALCOHOL

On or about May 31, 2019, JAMILA DANISHWAR did unlawfully, while under the influence of an alcoholic beverage, drive a vehicle, in violation of VEHICLE CODE SECTION 23152(a).

COUNT 2 - DRIVING WHILE HAVING A MEASURABLE BLOOD ALCOHOL

On or about May 31, 2019, JAMILA DANISHWAR did unlawfully, while having 0.08 percent and more, by weight, of alcohol in his/her blood, drive a vehicle, in violation of VEHICLE CODE SECTION 23152(b).

COUNT 3 - FALSE INFORMATION TO A POLICE OFFICER

On or about May 31, 2019, JAMILA DANISHWAR did unlawfully give information to a peace officer in the performance of his duties under the provisions of the Vehicle Code of California, when said defendant knew that such information was false, in violation of VEHICLE CODE SECTION 31.

COUNT 4 - OPEN ALCOHOL CONTAINER IN A VEHICLE

On or about May 31, 2019, JAMILA DANISHWAR did unlawfully keep an open container of an alcoholic beverage in a vehicle upon a highway and on lands, as described in subdivision (b) of Section 23220, in violation of VEHICLE CODE SECTION 23225(a)(1).

NOTICE: Any defendant named on this complaint who is on criminal probation for a misdemeanor offense within the City of San Diego or the City of Poway is, by receiving this complaint, on notice that the evidence presented to the court at the trial on this complaint is presented for a dual purpose: the People are seeking a conviction on the charges and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the trial. Defenses to either or both procedures should be considered and presented as appropriate at the trial.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER M260997, CONSISTS OF 4 COUNTS.

Executed at City of San Diego, County of San Diego, State of California, on August 5, 2019.

COMPLAINANT

DECLARATION OF SERVICE

Case Name: Danishwar, Jamila, M.D.

OAH No.: 2023010577

I, Zenobia Akindipe, declare as follows: I am over 18 years of age and am not a party to this action. I am employed by the Office of Administrative Hearings. My business address is Emerald Plaza, 402 West Broadway, Suite 600, San Diego, CA 92101. On January 23, 2023, I served a copy of the following document(s) in the action entitled above:

INTERIM ORDER OF SUSPENSION

to each of the person(s) named below at the addresses listed after each name by the following method(s):

Nicole T. Irmer
Attorney at Law
2550 Fifth Avenue, Suite 1060
San Diego, CA 92103
VIA Email (E-Service)
nti@IrmerLaw.com

Joseph F. McKenna, III
600 West Broadway, Suite 1800
San Diego, CA 92101
VIA Email (E-Service)
Joseph.McKenna@doj.ca.gov;Ileana.Chavarin@doj.ca.gov;Alexandra.Alvarez@doj.ca.gov;Lucia.Rincon@doj.ca.gov;Carolyn.Yohn@doj.ca.gov

☒ **Electronic Transmission.** Based on a court order or the agreement of the parties to accept service by electronic transmission, the document(s) were distributed to the person(s) by secure electronic transmission (OAH Secure e-File) with a notification and document link sent to the email address(es) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at San Diego, California on January 23, 2023.

Zenobia Akindipe
Zenobia Akindipe, Declarant